

UNITED STATES DEPARTMENT OF COMMERCE Pat nt and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS

DATE MAILED:

Washington, D.C. 20231

APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. 09/461,158 MILLER 12/14/99 Α 042390.P6958 **EXAMINER** IM71/0117 Blakeley Sokoloff Taylor & Zafman 11p BROWN, C Raymond J Werner **ART UNIT** PAPER NUMBER 12400 Wilshire Boulevard 7TH Floor 1765 Los Angeles CA 90025

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

01/17/01

Office Action Summary

Application No. 09/461,158 Applicant(s)

Miller et al.

Examiner

Charlotte A. Brown

Group Art Unit 1765



Responsive to communication(s) filed on Dec 14, 1999	
☐ This action is FINAL .	
☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.	
A shortened statutory period for response to this action is set is longer, from the mailing date of this communication. Failure application to become abandoned. (35 U.S.C. § 133). Exten 37 CFR 1.136(a).	e to respond within the period for response will cause the
Disposition of Claims	
X Claim(s) 1-27	is/are pending in the application.
Of the above, claim(s)	is/are withdrawn from consideration.
☐ Claim(s)	is/are allowed.
☐ Claim(s)	is/are rejected.
☐ Claim(s)	
	are subject to restriction or election requirement.
Application Papers	
☐ See the attached Notice of Draftsperson's Patent Drawi	ing Review, PTO-948.
☐ The drawing(s) filed on is/are obj	jected to by the Examiner.
☐ The proposed drawing correction, filed on	is approved disapproved.
\square The specification is objected to by the Examiner.	
$\hfill\Box$ The oath or declaration is objected to by the Examiner.	
Priority under 35 U.S.C. § 119	
Acknowledgement is made of a claim for foreign priority	y under 35 U.S.C. § 119(a)-(d).
☐ All ☐ Some* ☒ None of the CERTIFIED copies	of the priority documents have been
X received.	
☐ received in Application No. (Series Code/Serial No.	
received in this national stage application from the	ne International Bureau (PCT Hule 17.2(a)).
*Certified copies not received: Acknowledgement is made of a claim for domestic prior	rity under 25 H S C 5 110(a)
Acknowledgement is made of a claim for domestic pho	inty under 33 0.3.C. \$ 113(e).
Attachment(s)	
 □ Notice of References Cited, PTO-892 □ Information Disclosure Statement(s), PTO-1449, Paper 	No(e)
☐ Interview Summary, PTO-413	NO(5).
☐ Notice of Draftsperson's Patent Drawing Review, PTO-	948
☐ Notice of Informal Patent Application, PTO-152	
SEE OFFICE ACTION ON	THE FOLLOWING PAGES

Page 2

Application/Control Number: 09/461,158

Art Unit: 1765

DETAILED ACTION

Election/Restriction

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-14, drawn to a method for forming a copper interconnect, classified in class 438, subclass 692.
 - II. Claims 15-27, drawn to a slurry, classified in class 252, subclass 79.1.
- 2. The inventions are distinct, each from the other because of the following reasons:

 Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the product as claimed can be used in a materially different process of using that product such as polishing the copper with a slurry having a pH lower than 8.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Application/Control Number: 09/461,158

A telephone call was made to Gregory Caldwell on December 12, 2000 to request an oral

election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an

election of the invention to be examined even though the requirement be traversed (37

CFR 1.143).

Art Unit: 1765

4.

J 36 3

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the 5.

inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently

named inventors is no longer an inventor of at least one claim remaining in the application. Any

amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the

fee required under 37 CFR 1.17(I).

Any inquiry concerning this communication or earlier communications from the examiner 6.

should be directed to Charlotte A. Brown whose telephone number is (703) 305-0727.

CAB

January 11, 2001

BENJAMIN L. UTECH SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 1700

Page 3